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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,873	07/28/2003	Marcus J.M. Boertje	163-43	3811
23869	7590	10/04/2005		
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE. SYOSSET, NY 11791				
			EXAMINER RIVELL, JOHN A	
			ART UNIT 3753	PAPER NUMBER

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/628,873	Applicant(s) BOERTJE ET AL.	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/03 (application).
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 11, 12 and 18-29 is/are rejected.
 7) ☒ Claim(s) 7-10, 13-17 and 30-32 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3753

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al.

The patent to Day et al. discloses a “modular fluid valve assembly comprising: a valve (at spool 40), for controlling fluid flow from an inlet port and an outlet port; a control assembly (read at adapter assembly 132 and the electrical terminals attached thereto and the inherent control assembly controlling the flow of electrical current to the terminals on assembly 132 and the cover 42 of the assembly), said control assembly separately connected to said valve to selectively activate said valve; a visual indicator (lamp 112, light pipe 108 and lens 110), said visual indicator being electronically connected to said control assembly for indicating the activation of said valve, said visual indicator including a light source (lamp 112) for emitting light when said valve is actuated; and a light pipe (108) disposed adjacent to said light source (112; see figure 14),... wherein said light pipe (108) facilitates viewing of the activation of said light source (112)’ as recited in claim 1.

Thus the patent to Day et al. discloses all the claimed features with the exception of having the "light pipe being removable attached to said control assembly".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the light pipe 108 removable for the purpose of cleaning , repair or replacement of that light pipe, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961).

Equating the Courts position in *Dulberg* to the above, whether the light pipe 108 of Day et al. is made manually removable depends upon whether it is desired to gain ready access to the light pipe or the interior of the light pipe. If it were considered desirable for any reason, such as to clean, replace or repair the light pipe 108, to obtain access to the light pipe of Day et al., it would be obvious to make the light pipe 108 removable for that purpose. That could be done by anyone having the ordinary skills of this art simply by making the fit within the bore in cap 42 in which the light pipe 108 is fit sufficiently loose to permit the ready manual removal of the light pipe 108. No specific prior art teaching would be necessary to show that operation.

Regarding claim 2, the valve of Day et al. is electrically operable.

Regarding claim 3, the inherent circuit board controlling the electrical current to operate the valve is electronically connected, by wire, to the electrical terminals in the adapter assembly 132.

Regarding claim 22, the reasoning applied above to claim 1 applies here as well.

Regarding claims 23 and 24, to employ any known type of connection to hold the light pipe in the bore in the cap 42, such as a "press fit" or removable "snap fit" would be an obvious design expedient in the act of making the light pipe 108 of Day et al. removable for cleaning, repair or replacement purposes for the purpose of retaining the

light pie within the hole preventing the light pie 108 from accidentally or inadvertently falling out and breaking.

Claims 4-6, 11-12, 18-21 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al. as applied to claims 1-3 and 22-24 above, further in view of Smith et al.

The patent to Day et al., as modified, discloses all the claimed features with the exception of having a plurality of modules fluidly connected together to form a manifold.

The patent to Smith et al. discloses that it is known in the art to employ a plurality of individual valve modules, each including its own operative valve and "LED" light type indicator 64, for the purpose of supplying fluid to and returning fluid from several individual locations from a central supply line and to a central return line and indicating whether or not the valve is operative.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Day et al. several of the valve modules fluidly connected together for the purpose of supplying fluid to and returning fluid from several individual locations from a central supply line and to a central return line as recognized by Smith et al. Substitution of an "LED" type lamp for the "lamp" 112 of Day et al. is considered to be a full mechanical and functional equivalent.


Claims 7-10, 13-17 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.